

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

De
MAR 23 2004

LUTHER D. THOMAS, Clerk
By: *[Signature]* Deputy Clerk

JASON M. DURR,**Plaintiff,****v.**

**ECHOSTAR COMMUNICATIONS
DISH NETWORK SERVICE CORP.**

Defendants.

**CIVIL ACTION FILE
NO. 1:03-CV-2291-MHS/GGB**

**SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO
COMPEL ARBITRATION AND STAY PROCEEDINGS**

COME NOW, Echostar Communications and Dish Network Service Corp., the Defendants herein, by way of special appearance and without waiving any objections to service or jurisdiction, and file this, their Supplemental Brief In Support of Their Motion To Compel Arbitration And Stay Proceedings. For the reasons provided below, Defendants' unopposed Motion To Compel Arbitration and Stay Proceedings should be granted.

On February 12, 2004, Defendants filed a Motion To Compel Arbitration and Stay Proceedings. Subsequently, Plaintiff had 30 days (plus a three-day mail extension) within which to file a response to Defendants' Motion, due on or before March 16, 2004. Plaintiff has not filed any response to the Motion To Compel Arbitration and thus it is unopposed.

(6)

Accordingly, for the reasons set forth in Defendants' Motion To Compel Arbitration and Stay Proceedings, and set forth herein, Defendants respectfully request that their unopposed Motion To Compel Arbitration and Stay Proceedings be granted. A proposed Order is attached.

Respectfully submitted,

FREEMAN MATHIS & GARY, LLP



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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing DEFENDANTS' SUPPLEMENTAL BRIEF IN SUPPORT OF ITS MOTION TO COMPEL ARBITRATION AND STAY PROCEEDINGS AND SUPPORTING MEMORANDUM OF LAW upon all parties to this matter by depositing a true copy of same via regular and certified mail, proper postage prepaid, addressed to pro se plaintiff as follows:

Mr. Jason M. Durr
120 Sunset Road
McDonough, GA 30253

This 22 day of March, 2004.



Christopher E. Parker
Georgia Bar No. 562152

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Atlanta, Georgia 30339-5948
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MAR 23 2004

LUTHER D. THOMAS, JR.

By: [Signature] Deputy Clerk

Plaintiff,

V.

**ECHOSTAR COMMUNICATIONS)
DISH NETWORK SERVICE CORP.)**

Defendants.

The Honorable Gerrilyn Brill
United States District Court